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13 Attorneys for Defendant
 14 DEPARTMENT OF VETERANS AFFAIRS

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION

18 DENNIS BECKLEY, M.D.,

19 Plaintiff,

20 v.

21 DEPARTMENT OF VETERANS
 AFFAIRS,

22 Defendant.
 23

No. 12-6139 MEJ

**STIPULATION AND ~~PROPOSED~~
 ORDER RE FILING PLAINTIFF'S
 OFFICIAL PERSONNEL FILE**

24 Subject to the approval of the Court, plaintiff Dennis Beckley, M.D. ("Plaintiff"), and
 25 defendant Department of Veterans Affairs ("Defendant"), by and through their counsel of record,
 26 hereby stipulate as follows:

27 WHEREAS, this action is for District Court review on an administrative record;

28 WHEREAS, Civil L.R. 16-5 requires Defendant to "serve and file an answer, together with a

STIPULATION AND [PROPOSED] ORDER RE FILING PLAINTIFF'S OFFICIAL PERSONNEL FILE
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1 certified copy of the transcript of the administrative record, within 90 days of receipt of service of
2 the summons and complaint";

3 WHEREAS, part of the administrative record consists of Plaintiff's Official Personnel File
4 ("OPF");

5 WHEREAS, Plaintiff's OPF is or may qualify as a "record" under the Privacy Act of 1974
6 (the "Privacy Act"), 5 U.S.C. § 552a (2006), which may not be disclosed except pursuant to
7 certain conditions, see 5 U.S.C. § 552a(b);

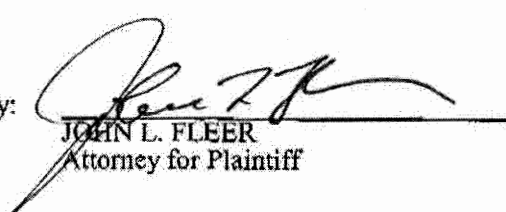
8 WHEREAS, one of the conditions under which a Privacy Act "record" may be disclosed is
9 "pursuant to the order of a court of competent jurisdiction," 5 U.S.C. § 552a(b)(11);

10 THEREFORE, the parties hereby stipulate and jointly request that the Court enter an order
11 permitting Defendant to file Plaintiff's OPF, redacted for personally identifiable information, as
12 part of the certified administrative record in this action.

13 IT IS SO STIPULATED.

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16 DATED: 2-26-13

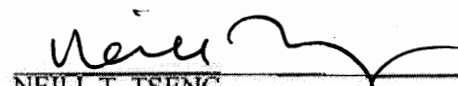
By:


JOHN L. FLEER
Attorney for Plaintiff

MELINDA HAAG
United States Attorney

17
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21 DATED: 2/27/13

By:


NEILL T. TSENG
Assistant United States Attorney
Attorneys for Defendant

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24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25
26 DATED February 28, 2013


HONORABLE MARIA-ELENA JAMES
UNITED STATES MAGISTRATE JUDGE